

REMARKS

Status of the Application

In the office action dated December 9, 2004, Claims 10-37 were pending in the application. In this response to the office action, Claims 10 – 30 and 33 - 37 were canceled and claims 31 and 32 were amended and claims 38-45 were added.

Claims 31 and 32 directed to a process have been amended to obviate rejections under 35 U.S.C. 112 and any obviousness rejections over the cited references. Claims 38-45 have been added that are either directly or indirectly dependent on Claim 31. These new claims are directed to different structures of the plastic parts prepared according to the process of amended Claim 31 and Claim 45 is directed to plastic molded parts made according to the process of Claim 31.

Claim Rejection under 35 U.S.C. 112

The claims have been amended and now avoid the objectionable language on which the '112 rejection was based and the newly submitted claims do not contain such language.

Applicants' Invention

Applicants' invention as set forth in the amended claims is directed to a process for producing plastic molded auto parts wherein the back side of the plastic is coated with an opaque lacquer of a typical automotive base coat and generally is required to match the color of the paint of the vehicle to which the part is attached. These parts clearly are not the flexible automotive trim parts as set forth in the cited Yaver U.S. 4,877,657.

One of the more important problems with the use of plastic automotive parts, such as, bumpers, side panels and the like that are coated on the exterior is that the paint coating is very easily damaged by scratching, abrasion, marring and the like and refinishing of the part is expensive even for the slightest imperfection caused by, for example, by bumping another vehicle by parking or maneuvering in a parking lot which, of course, causes insurance costs to increase. These problems have been in existence ever since painted plastic parts began to be used on vehicles. For the first time, Applicants' have devised this invention wherein the back of the plastic part is painted so that the paint will not be readily damaged and require repair. This can be seen in the Examples of the subject application. In Examples 1 and 2 plastic parts

were coated on the exterior by the usually method and scratches could readily be seen on these parts. In contrast, in Examples 3 and 4, the parts were coated on the interior and the same exterior scratches could not be seen until one viewed the surface from only a very close distance. The possibility also exists that such scratches may be buffed or sanded out of the clear plastic and thus repainting would not be required.

While Applicants' invention may appear to be quit simple, it stands to fact that no one prior to this time has used this approach to solve an industry wide problem and that will save consumers large dollar amounts by significantly reducing the cost of refinishing of automobile and truck parts having only minor damage.

Claim Rejection under 35 U.S.C. 102

The claims were rejected as being anticipated by Yaver U.S. 4,877,657. Claims 31 and 32 have been amended and the newly submitted claims 38-45 are directed only to certain plastic molded parts as set forth in the claims and do not include the flexible decorative trim strips of Yaver. Applicants' claims as amended specifically exclude flexible decorative trim strips. Further, Yaver is directed to a two layer composite comprising (1) an optically shaped film substrate having both a mirror-like and patterned surface with an appearance of depth and (2) a clear plastic lens cap overlying the substrate to further optically enhance the depth appearance and the mirror-like and patterned surface (see, Yaver col., 2, lines 6-11). Yaver cannot anticipate Applicants' claimed invention on the following two counts: (1) Applicants' invention does not encompass flexible decorative trim strips and (2) the parts formed by Applicants' process do not have a clear plastic lens cap in the resulting product but only have a substantially transparent plastic material that is coated on its back side with a opaque lacquer coating. The anticipation rejection based on Yaver should be withdrawn.

Claim Rejection under 35 U.S.C. 103

The subject matter of each of the claims of the invention as submitted herewith was commonly owned by the assignee of record at the time any inventions were made.

The claims were rejected under 35 U.S.C. 103(a) as being unpatentable over Yaver (U.S. 4,877,657). A fair reading of Yaver would only lead one skilled in the art

to form a decorative trim strip having (1) an optically shaped film substrate having both a mirror-like and patterned surface with an appearance of depth and (2) a clear plastic lens cap overlying the substrate (see Yaver col. 2, lines 4 – 9). As pointed out above, Applicants claimed invention is directed to a process for producing molded plastic parts which, as set forth in the claims, do not cover the decorative trim strips as taught by Yaver.

Secondly, Applicants' resulting molded plastic parts do not have a clear plastic lens cap or any layer that would be equivalent thereto in the plastic part. Applicants' process invention simply coats the rear face of a substantially transparent plastic material with an opaque lacquer. Not just any paint can be used but the opaque lacquer is the same as a base coat that is applied to the vehicle to which the part is to be attached and to be acceptable, matches the color of the vehicle. The opaque lacquer as described in the claims is a colored lacquer or an effect-producing lacquer.

In order for one to derive Applicants' novel process from the teachings of Yaver, the clear teachings of Yaver would have to be ignored. Yaver is forming decorative trim strips and not the plastic parts as pointed out above. Yaver requires a clear plastic lens cap, which Applicants' do not have as set forth in the amended claims. Further, Yaver requires a decorative layer described as a patterned surface which Applicants' do not have and the claims clearly do not cover. Yaver points out that the patterned surface may be mechanically abraded and a metal layer vapor deposited thereon or it can be embossed and then a metal layer deposited thereon or ink printed or painted but in any case it is a decorative layer having a patterned surface. It is clear that without the teaching of Applicants' application being used as blue print, one could not arrive at Applicants' claimed process from the teachings of Yaver. Such a reconstruction of Applicants' invention from the art, in this case, Yaver, is well known to be an improper rejection and the rejection based on Yaver must be withdrawn.

The claims were further rejected over Yaver and James, U.S. 3,113,883. James does not makeup for the deficiencies of Yaver. James is directed toward making an improved extrusion roll structure for fabricating plastic sheet materials and has nothing to do with the formation of plastic molded parts of a substantially transparent plastic material coated on its rear face with an opaque lacquer coating.

The rejection based on Yaver and James should be withdrawn.

SUMMARY

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and therefore respectfully solicit a Notice of Allowance. In order to expedite disposition of the case, the Examiner is invited to contact Applicants' representative at the telephone number below to resolve any remaining issues. Should there be a fee due that is unaccounted for, please charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,

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